



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,547	10/26/2005	Harvey Kaplan	1658-8/AMK	1415

7590 02/05/2008  
Adrian M Kaplan  
Dimock Stratton  
20 Queen Street West Suite 3202  
PO Box 102  
Toronto Ontario M5H 3R3,  
CANADA

EXAMINER
----------

AUDET, MAURY A

ART UNIT	PAPER NUMBER
----------	--------------

1654

MAIL DATE	DELIVERY MODE
-----------	---------------

02/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10524547	10/26/05	KAPLAN ET AL.	1658-8/AMK

Adrian M Kaplan  
Dimock Stratton  
20 Queen Street West Suite 3202  
PO Box 102  
Toronto Ontario M5H 3R3, CANADA

EXAMINER

MAURY AUDET

ART UNIT	PAPER
1654	20080204

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Of the 6 NPL references cited in the IDS of May 12, 2005, which was not considered as to any of these, Applicant have only now submitted that of the Tarelli et al. reference. The IDS still has not been considered in full, nor can the arguments of record, which are directed specifically to the substance and full article of at least one of these references (Boratynski). Until such time as these remaining 5 references are submitted, the arguments and amendments cannot be substantively examined.

As stated in the previous action:

Information Disclosure Statement

The information disclosure statement filed 05/12/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. [Other than the application of those references relied upon by the International Authority over the same claims 1-6, and also cited in the IDS, 2 of these 3 references (abstracts) have been independently retrieved by the Examiner].

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Appropriate correction is required.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maury Audet whose telephone number is 571-272-0960. The examiner can normally be reached on M-Th. 7AM-5:30PM (10 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA, 2/2/2008

MAURY AUDET  
PATENT EXAMINER